PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Terrence Martineau et al.
For	:	IMPROVED MAP NAVIGATION WITH BREADCRUMB BUTTONS
Serial No.	:	10/825,171
Filed	:	April 16, 2004
Art Unit	:	2178
Examiner	:	Samir Termanini
Att. Docket	:	ALC 3129
Confirmation No.	:	8266

APPEAL BRIEF

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Commissioner for Patents
P.O. Box 1450
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Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed April 20, 2009.

I. REAL PARTY IN INTEREST

The party in interest is Alcatel, by way of an Assignment recorded at Reel 015225, Frame 0360.

II. RELATED APPEALS AND INTERFERENCES

Following are identified any prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal:

NONE.

III. STATUS OF CLAIMS

Claims 1, 4-6, and 9-18 are on appeal.

Claims 1, 4-6, and 9-18 are pending.

No claims are allowed.

Claims 1, 4-6, and 9-18 are rejected.

Claims 2-3 and 7-8 are canceled.

IV. STATUS OF AMENDMENTS

All amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The subject matter recited in claim 1 relates to a method of presenting network object hierarchy information in a network management tool ([0009], lines 1-5), the network management tool for use in managing a communication network having a

hierarchy of network objects ([0002], lines 1-5). The method comprises: displaying status information of a displayed network object on a terminal (FIGS. 1-3, 12; [0009], lines 7-9; [0014], lines 4-7), the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy ([0010], lines 1-3); displaying an ordered series of a plurality of buttons on the terminal (FIGS. 1-3, 14; [0009], lines 9-10; [0011]; [0012]), each button corresponding to a network object within the hierarchy ([0010], lines 3-5; [0011], lines 1-4 and 6-8) and being ordered according to a position within the hierarchy of the corresponding network object ([0013], lines 1-9; [0014], lines 7-10), the series including at least a displayed network object button corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy (FIGS. 1-3, 16, 18; [0011], lines 1-8; [0012], lines 1-7; [0013], lines 3-6); when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive (FIG. 3, 22; [0017], lines 2-7); displaying on each button at least a portion of a label indicating the corresponding network object (FIGS. 1-3, 16, 18, 20; [0010], lines 5-7; [0015], lines 8-12; [0016]; [0018]); and designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button ([0014], lines 1-4).

The subject matter recited in claim 5 relates to monitoring for a position of a cursor on the terminal ([0016], lines 6-9); monitoring for the position of the cursor coinciding with a button for which only a portion of a label is displayed (FIG. 2, 20; [0016]); and while the position of the cursor coincides with a button for which only a portion of a label is displayed, displaying the label in its entirety ([0016, lines 6-9]).

The subject matter recited in claim 6 relates to a computer-readable medium having instructions for presenting network object hierarchy information as part of a network management tool ([0009], lines 1-5), the network management tool for use in managing a communication network having a hierarchy of network objects ([0002], lines 1-5). The computer-readable medium comprises: instructions for displaying status information of a displayed network object on a terminal(FIGS. 1-3, 12; [0009], lines 7-9; [0014], lines 4-7), the displayed network object corresponding to equipment and having at least one higher level network object within the hierarchy ([0010], lines 1-3); instructions for displaying an ordered series of a plurality of buttons on the terminal (FIGS. 1-3, 14; [0009], lines 9-10; [0011]; [0012]), each button corresponding to a network object within the hierarchy ([0010], lines 3-5; [0011], lines 1-4 and 6-8) and being ordered according to a position within the hierarchy of the corresponding network object ([0013], lines 1-9; [0014], lines 7-10), the series including at least a displayed network object button corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy (FIGS. 1-3, 16, 18; [0011], lines 1-8; [0012], lines 1-7;[0013], lines 3-6); instructions for

determining when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, and displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive (FIG. 3, 22; [0017], lines 2-7); instructions for displaying on each button at least a portion of a label indicating the corresponding network object (FIGS. 1-3, 16, 18, 20; [0010], lines 5-7; [0015], lines 8-12; [0016]; [0018]); and instructions for designating a new displayed network object upon selection of a network object displayed in the status information or upon selection of a button ([0014], lines 1-4).

The subject matter recited in claim 10 relates to instructions for monitoring for a position of a cursor on the terminal ([0016], lines 6-9); instructions for monitoring for the position of the cursor coinciding with a button for which only a portion of a label is displayed(FIG. 2, 20; [0016]); and instructions for displaying a label in its entirety while the position of the cursor coincides with a button for which only a portion of the label is displayed([0016], lines 6-9).

The subject matter recited in claim 11 relates to a method of presenting network object hierarchy information in a network management tool ([0009], lines 1-5), the network management tool for use in managing a communication network having a hierarchy of network objects ([0002], lines 1-5). The method comprises the steps of: displaying status information of a displayed network object on a terminal (FIGS. 1-3,

12; [0009], lines 7-9; [0014], lines 4-7), the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy ([0010], lines 1-3); displaying an ordered series of a plurality of buttons on the terminal (FIGS. 1-3, 14; [0009], lines 9-10; [0011]; [0012]), each button corresponding to a network object within the hierarchy ([0010], lines 3-5; [0011], lines 1-4 and 6-8) and being ordered according to a position within the hierarchy of the corresponding network object ([0013], lines 1-9; [0014], lines 7-10), the series including at least a displayed network object button corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy (FIGS. 1-3, 16, 18; [0011], lines 1-8; [0012], lines 1-7;[0013], lines 3-6); when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive (FIG. 3, 22; [0017], lines 2-7); displaying on each button an icon representing a type of equipment of the corresponding network object (FIGS. 1-3, 16, 18, 20; [0018], lines 1-3); and designating a new displayed network object by performing an action selected from the group consisting of selecting a network object displayed in the status information and selecting a button ([0014], lines 1-4).

The subject matter recited in claim 12 relates to a method of presenting network object hierarchy information in a network management tool ([0009], lines 1-5), the

network management tool for use in managing a communication network having a hierarchy of network objects ([0002], lines 1-5). The method comprises the steps of: displaying status information of a displayed network object on a terminal (FIGS. 1-3, 12; [0009], lines 7-9; [0014], lines 4-7), the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy ([0010], lines 1-3); displaying an ordered series of a plurality of buttons on the terminal (FIGS. 1-3, 14; [0009], lines 9-10; [0011]; [0012]), each button corresponding to a network object within the hierarchy ([0010], lines 3-5; [0011], lines 1-4 and 6-8) and being ordered according to a position within the hierarchy of the corresponding network object ([0013], lines 1-9; [0014], lines 7-10), the series including at least a displayed network object button corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy (FIGS. 1-3, 16, 18; [0011], lines 1-8; [0012], lines 1-7;[0013], lines 3-6); when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive (FIG. 3, 22; [0017], lines 2-7); displaying on each button an icon representing the corresponding network object (FIGS. 1-3, 16, 18, 20; [0018], lines 1-3); and designating a new displayed network object by performing an action selected from the

group consisting of selecting a network object displayed in the status information and selecting a button ([0014], lines 1-4).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

A. On pages 3-10, the Office Action rejects claims 1, 4, 6, 9, and 11-18 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0018665 to Dovin et al. (hereinafter "Dovin").

B. On pages 11-14, the Office Action rejects claims 5 and 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dovin in view of U.S. Patent Application Publication No. 2005/0132018 to Milic-Frayling et al. hereinafter ("Milic-Frayling").

VII. ARGUMENT

A. Rejection of Claims 1, 4, 6, 9, and 11-18 Under 35 U.S.C. §102(b)

The Office Action dated March 18, 2009, rejects claims 1, 4, 6, 9, and 11-18 under 35 U.S.C. § 102(b) as allegedly being anticipated by Dovin. Appellant respectfully traverses this rejection for the reasons detailed below.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete

detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

1. Independent Claims 1, 6, 11, and 12

Independent claim 1 recites, in part,

> "when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, **displaying a number of buttons less than the number of network objects** within the hierarchy between the root object and the displayed network object, inclusive" (emphasis added).

Independent claims 6, 11, and 12 contain similar recitations. The above-quoted subject matter is drawn to the display of only a subset of the breadcrumbs in a particular trail when there is not enough room to display the entire trail, thereby providing advantages such as robustness in the face of particularly deep network topologies. Appellant respectfully submits that none of the references of record disclose, teach, or suggest this subject matter.

On pages 4-5, the Office Action cites Dovin as allegedly disclosing this feature, citing paragraphs [0005], [0030] and [0040]. These cited paragraphs, however, do not disclose displaying a number of breadcrumbs less than the number of webpages in a particular trail. Instead, the paragraphs disclose the general concept of breadcrumbs, the complete removal of breadcrumbs from a trail, and the option to resume navigation of a particular trail, respectively. Further, Dovin in general fails to teach, disclose, or suggest the above quoted subject matter.

In paragraph [0005], Dovin introduces the concept of breadcrumbs as applied to website navigation, detailing the use of HTML links as breadcrumb elements and separators to be placed between such breadcrumb elements. Dovin also states, "[i]n the foregoing example of breadcrumb navigation, a **user is presented with all** of the pages that the user has visited from the parent web page 'Home' to the current child web page 'TCP/IP' in the information space of the Website" (emphasis added). Paragraph [0005] therefore fails to teach the display of only a subset of the elements in a particular breadcrumb trail and, in fact, discloses the exact opposite of the above-quoted subject matter (i.e., displaying **all** buttons).

Paragraph [0030] of Dovin describes the method of generating and maintaining a breadcrumb trail. The Office Action specifically cites the sentence stating, "[i]f desired, the breadcrumb navigation trail may maintain all breadcrumbs regardless of whether a breadcrumb already appears in the breadcrumb navigation trail." The cited sentence fails to disclose the display of a number of breadcrumbs less than the total number of breadcrumbs in a trail. The sentence instead describes the operation of the remove function, which entirely removes "a breadcrumb and all subsequent breadcrumbs **from the breadcrumb navigation trail**" when a particular breadcrumb appears in a trail twice (emphasis added). The above-quoted subject matter, on the other hand, does not actually remove a breadcrumb from the breadcrumb trail, instead **displaying** only a subset of the breadcrumbs in the trail.

Paragraph [0040] of Dovin details a feature allowing the user to resume navigation of a breadcrumb trail after a period of inactivity. The Office Actions reprints the lines detailing the determination of whether the user has been away for a certain period of time. This paragraph does not contemplate the specifics of breadcrumb trail display and thus also fails to disclose the display of a number of breadcrumbs less than the total number of breadcrumbs in a particular trail.

Finally, upon review of Dovin, as well as the other references of record, it is apparent that all references of record generally fail to teach, disclose, or otherwise suggest "displaying a number of buttons less than the number of network objects" as recited by independent claims 1, 6, 11, and 12.

Because Dovin fails to disclose, suggest, or teach the subject matter recited above, Appellant respectfully submits that Dovin fails to present a *prima facie* case of anticipation. Thus, independent claims 1, 6, 11, and 12 are allowable over Dovin. Accordingly, Appellant respectfully requests withdrawal of the rejection of independent claims 1, 6, 11, and 12 under 35 U.S.C. § 102(b).

2. Dependent Claims 4, 9, and 13-18

Claims 4 and 15 depend from allowable claim 1; claims 9 and 16 depend from allowable claim 6; claim 17 depends from allowable claim 11; and claims 13-14 and 18 depend from allowable claim 12. Thus, Appellant respectfully submits that claims 4, 9, and 13-18 are allowable at least due to their respective dependencies upon allowable

independent claims. Accordingly, Appellant respectfully requests withdrawal of the rejection of claims 4, 9, and 13-18 under 35 U.S.C. § 102(b).

B. Rejection of Claims 5 and 10 Under 35 U.S.C. §103(a)

The Office Action dated March 18, 2009, rejects claims 5 and 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dovin in view of Milic-Frayling. Appellant respectfully traverses this rejection for the reasons detailed below.

Claim 5 recites, in part, "while the position of the cursor coincides with a button for which only a portion of a label is displayed, displaying the **label** in its entirety" (emphasis added). Claim 10 contains a similar recitation.

On page 12, the Office Action correctly concedes that Dovin "[does] not clearly disclose . . . causing the displaying of the label in its entirety." On pages 12-14, the Office Action attempts to remedy this admitted deficiency by applying Milic-Frayling.

On pages 12-13, the Office Action alleges that Milic-Frayling discloses displaying the label in its entirety, citing paragraph [0082]. Appellant respectfully submits that the cited paragraph of Milic-Frayling does not disclose such a feature. Instead, as stated in lines 1-3 of paragraph [0082], Milic-Frayling teaches that "[a] presenting operation 812 presents **a thumbnail of the resource** identified by the resource identifier over which the pointer icon was hovered" (emphasis added). As seen in FIG. 6, hovering the cursor over a link results in the display of an image of a related website rather than the label for the link. Thus, Milic-Frayling fails to disclose, teach, or

suggest the display of a label in its entirety upon hovering a cursor over a button for which only a portion of a label is displayed.

Claim 5 depends from independent claim 1 and claim 10 depends from independent claim 6. Milic-Frayling fails to remedy the deficiencies of Dovin described above in connection with the rejection of independent claims 1, 6, 11, and 12. Thus, Appellant respectfully submits that claims 5 and 10 are allowable at least due to their respective dependencies from allowable independent claims and for the separately allowable subject matter contained therein, as discussed in this section. Accordingly, Appellant respectfully requests withdrawal of the rejection of claims 5 and 10 under 35 U.S.C. § 103(a).

C. Conclusion

For at least the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 1, 4-6, and 9-18 are in condition for allowance. Accordingly, Appellants respectfully request that this Honorable Board reverse the rejections of claims 1, 4-6, and 9-18.

Respectfully submitted,
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Date

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VIII. CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL:

1. (Previously Presented) A method of presenting network object hierarchy information in a network management tool, the network management tool for use in managing a communication network having a hierarchy of network objects, the method comprising the steps of:

displaying status information of a displayed network object on a terminal, the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy;

displaying an ordered series of a plurality of buttons on the terminal, each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object, the series including at least a displayed network object button corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy;

when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive;

displaying on each button at least a portion of a label indicating the corresponding network object; and

designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button.

2. (Canceled)

3. (Canceled)

4. (Previously Presented) The method of claim 1, wherein the buttons are arranged along a horizontal row above the status information, with the root button at the left and the displayed network object button at the right.

5. (Original) The method of claim 1 comprising the further steps of:

monitoring for a position of a cursor on the terminal;

monitoring for the position of the cursor coinciding with a button for which only a portion of a label is displayed; and

while the position of the cursor coincides with a button for which only a portion of a label is displayed, displaying the label in its entirety.

6. (Previously Presented) A computer-readable medium having instructions for presenting network object hierarchy information as part of a network management tool, the network management tool for use in managing a communication network having a hierarchy of network objects, the computer-readable medium comprising:

instructions for displaying status information of a displayed network object on a terminal, the displayed network object corresponding to equipment and having at least one higher level network object within the hierarchy;

instructions for displaying an ordered series of a plurality of buttons on the terminal, each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object, the series including at least a displayed network object button corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy;

instructions for determining when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, and displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive;

instructions for displaying on each button at least a portion of a label indicating the corresponding network object; and

instructions for designating a new displayed network object upon selection of a network object displayed in the status information or upon selection of a button.

7. (Canceled)

8. (Canceled)

9. (Previously Presented) The computer-readable medium of claim 6, wherein the instructions for displaying an ordered series of buttons comprise instructions for displaying the buttons along a horizontal row above the status information, with the root button at the left and the displayed network object button at the right.

10. (Original) The computer-readable medium of claim 6 further comprising:

instructions for monitoring for a position of a cursor on the terminal;

instructions for monitoring for the position of the cursor coinciding with a button for which only a portion of a label is displayed; and

instructions for displaying a label in its entirety while the position of the cursor coincides with a button for which only a portion of the label is displayed.

11. (Previously Presented) A method of presenting network object hierarchy information in a network management tool, the network management tool for use in

managing a communication network having a hierarchy of network objects, the method comprising the steps of:

displaying status information of a displayed network object on a terminal, the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy;

displaying an ordered series of a plurality of buttons on the terminal, each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object, the series including at least a displayed network object button corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy;

when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive;

displaying on each button an icon representing a type of equipment of the corresponding network object; and

designating a new displayed network object by performing an action selected from the group consisting of selecting a network object displayed in the status information and selecting a button.

12. (Previously Presented) A method of presenting network object hierarchy information in a network management tool, the network management tool for use in managing a communication network having a hierarchy of network objects, the method comprising the steps of:

displaying status information of a displayed network object on a terminal, the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy;

displaying an ordered series of a plurality of buttons on the terminal, each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object, the series including at least a displayed network object button corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy;

when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive;

displaying on each button an icon representing the corresponding network object; and

designating a new displayed network object by performing an action selected from the group consisting of selecting a network object displayed in the status information and selecting a button.

13. (Previously Presented) The method of claim 12, wherein each icon is selected from the group consisting of a horizontally pointing arrow and a vertically pointing arrow.

14. (Previously Presented) The method of claim 12, wherein a respective icon is rotated to indicate that the corresponding network object is the displayed network object.

15. (Previously Presented) The method of claim 1, wherein the buttons displayed include the root button, the displayed network object button, and buttons corresponding to network objects progressively higher in the hierarchy than the displayed network object.

16. (Previously Presented) The computer-readable medium of claim 6, wherein the buttons displayed include the root button, the displayed network object button, and buttons corresponding to network objects progressively higher in the hierarchy than the displayed network object.

17. (Previously Presented) The method of claim 11, wherein the buttons displayed include the root button, the displayed network object button, and buttons corresponding to network objects progressively higher in the hierarchy than the displayed network object.

18. (Previously Presented) The method of claim 12, wherein the buttons displayed include the root button, the displayed network object button, and buttons corresponding to network objects progressively higher in the hierarchy than the displayed network object.

IX. EVIDENCE APPENDIX

A copy of the following evidence 1) entered by the Examiner, including a statement setting forth where in the record the evidence was entered by the Examiner, 2) relied upon by the Appellant in the appeal, and/or 3) relied upon by the Examiner as to the grounds of rejection to be reviewed on appeal, is attached:

NONE.

X. RELATED PROCEEDINGS APPENDIX

Copies of relevant decisions in prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal are attached:

NONE.